

CARLOS M. RAMIREZ
MAYOR

MONICA D. CUNNINGHAM
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL
EXECUTIVE ASSISTANT TO THE MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ELVIA G. HERNANDEZ
DISTRICT NO. 8

**REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FEBRUARY 6, 2001
9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Pro Tem Presi Ortega present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Paul Joseph Escobar, Luis G. Sariñana and Elvia G. Hernandez. Absent: Mayor Carlos M. Ramirez. Meeting was called to order and the invocation was given by Elder Leroy Jones, House of Prayer - Church of God in Christ, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) gelatin silver print by artist Rudy Gutierrez entitled "Hold the Line, Paso del Norte Bridge," offered by the artist and the El Paso Times;
2. One (1) untitled plastic sculpture by artist Takashi Murakami offered by the Peter Norton Family Foundation.

Motion made by Representative Medina, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to accept the donation of a Yamaha Wave Runner® XLT1200™ from Ms. Beverly Gladden, on behalf of the El Paso Fire Department to be used by the El Paso Fire Department's Water Rescue Team.

Ms. Loretta Jordan, Fire Medical Assistant Chief, explained Ms. Gladden won the Yamaha Wave Runner® on the "Price Is Right" game show and donated this to the Fire Department Water Rescue Team to be used in all aspects of water rescue.

Motion made by Representative Hernandez, seconded by Representative Medina and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved under Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of January 16, 2001.

*Motion made, seconded and unanimously carried to excuse Mayor Carlos M. Ramirez from the Regular Council Meeting of February 6, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the exhibition "Roundup: Selected Works from Friends of the El Paso Museum of Art" which is scheduled to be on view at the Museum from January 26 through April 8, 2001. The exhibition was organized by the El Paso Museum of Art.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Air Cargo Center Agreement between the City of El Paso and DHL Airways, Inc. to lease building and ramp space at the Airport's new air cargo facility located at 301 George Perry Drive, El Paso, TX.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND SIX HUNDRED AND NO/100THS DOLLARS (\$9,600.00 - \$8,275 loan/\$1,325 grant) against the following described real property:

The East 20 feet of Lot 10, and the West 20 feet of Lot 11, Block 0, HAGUE SUBDIVISION OF GOVERNMENT HILL, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 10, Page 6, Plat Records of El Paso County, Texas; also known and numbered as 3720 Chester, El Paso, Texas.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller be

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authorized to issue a refund check resulting from an overpayment on the Community Development Rehabilitation loan in the amount of THREE AND 29/100THS DOLLARS (\$3.29).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of EIGHTY SIX THOUSAND AND 00/100THS DOLLARS (\$86,000.00 - \$56,000 loan/\$30,000 grant) whereby the City releases its lien against the following described real property:

Lots 15, 16 and the West ½ of Lot 14, Block 35, BASSETT'S ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 5, Page 21, Plat Records, El Paso County, Texas; also known and numbered as 2300 Bassett Ave., El Paso, Texas.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of ONE HUNDRED SEVENTY THOUSAND FIVE HUNDRED SIXTY AND NO/100THS DOLLARS (\$170,560.00 - \$169,410 loan/\$1,150 grant) against the following described real property:

The South 15 1/2 feet of Lot 12, South 1 foot of the North 10 1/2 feet of the East 12 feet of Lot 12, and all of Lot 13, Block 114 of CAMPBELL ADDITION to the City of El Paso, El Paso County, Texas; known and numbered as 502 - 504 S. Kansas Street, El Paso, Texas 79901.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council approve and authorize the Mayor to acknowledge the approval of an extension of Real Estate Lien and Property Agreement Concerning Covenants to be executed by T. V. P. Non-Profit Corporation in relation to the Community Housing Development Corporation (CHDC) HOME Financial Terms Contract for the property located at 1307-1313 Magoffin Avenue.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **Van H. Gilbert Architect PC**, for a project known as **"Sea Lion / Aquarium Exhibit at El Paso Zoo"** for an amount not to exceed \$161,184.74.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendments and renewal with the Texas Department of Health:

Tuberculosis Elimination Division
Document No. 7460007499-2002, Attachment No. 03

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and El Paso Independent School District to allow for a joint election on May 5, 2001, for the purpose of sharing the costs.

Mr. Charlie McNabb, City Attorney, stated that the school district prefers that we have a joint agreement contract with them to share the costs of the City's general election.

Representative Sumrall reminded that it was a school board election and not another bond election.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police, as the chief of the City's law enforcement agency, be authorized to sign a User Agreement with the Texas Department of Public Safety to enable the Police Department to continue to access the Texas Law Enforcement Telecommunications Systems (TLETS). There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign the Grant Contract awarding a grant to the Planning Research and Development Department from the Texas Historical Commission, for participation in the FY

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2001 Certified Local Government Program, in the amount of \$10,500.00, and increases the required in-kind match to \$14,500.00 from \$12,500.00, as submitted in the original application.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Jessica M. Akins, Lifeguard I, Step 1
 DATES: January 08, 2001 thru September 30, 2001
 RATES PER HR: \$6.00
 CONTRACT NO: 2000/2001-160

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **CHRIS CUMMINGS** to assist in routine monitor of federal, state, and private grant opportunities for the City at the rate of \$12.92 per hour; not to exceed 40 hours per week. The contract period shall be from February 12, 2001 through August 11, 2001 and this contract is subject to the approval of the City's Civil Service Commission.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **GERMAN A. CARMONA** for the El Paso Library to be paid at the rate of \$5.23 per hour, not to exceed 20 hours per week without permission from Co-Op coordinator, in which case Employees may work up to 40 hours per week, and will be reimbursed for mileage, not to exceed 150 miles per week or a total of \$51.75 per week. The term of the contract is from February 12, 2001 through February 11, 2002 and is subject to the approval of the City's Civil Service Commission.

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*Motion made, seconded and unanimously carried to approve the expenditure of District 8 discretionary funds in the amount of \$243.00 for sponsorship of the Boxing Team at Armijo Center.

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*Motion made, seconded and carried that the following First Time Home Buyers applications be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved applications.

A. 01-01-FTHB/HL-0442 Loan: \$20,000.00
 Interest 0% Term: 357 months
 12581 Wendy Reed Dr. (28)

- B. 01-01-FTHB/HL-0441 Loan: \$ 6,133.00
Interest 0% Term: 109 months
12244 Bob Heasley (38)
- C. 01-01-FTHB/HL-0443 Loan: \$ 8,400.00
Interest 0% Term: 150 months
8173 San Jose Road (07)

*Motion made, seconded and unanimously carried that the street improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Stone Gate Unit Three

Street Improvements:

Ruby Gate Way - from the end of the cul-de-sac at Lot 25, Block 1, to the end of the cul-de sac at Lot 16, Block 1.

Copper Gate Place - from Ruby Gate Way to south-easterly property line of Lot 39, Block 1.

Opal Gate Way - from Copper Gate Place to the end of the cul-de-sac at Lot 34, Block 1.

*Motion made, seconded and unanimously carried to approve the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Gabriel Herrera, Laborer

*Motion made, seconded and unanimously carried to approve the request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Civil Engineer III, Street Department (1 position)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Equipment Maintenance Department:

Add	1	Automotive Technician Supervisor	GS 23
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health Department:

Add	1	Accounting Technician	GS 20
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Add	3	Clerk II	GS 9
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Delete	1	Network Administrator	PM 78
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Delete	1	PC/LAN Specialist I	PM 71
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Delete	1	Network Administrator	PM 78
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Delete	.89	PC/LAN Specialist I	PM 71
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Delete	.11	PC/LAN Specialist I	PM 71
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Delete	.85	Information Systems Manager I	PM 79
Delete	.15	Information Systems Manager II	PM 79
Add	.03	Health District Deputy Director	AP (Appointed EX B)
Add	.02	Health District Deputy Director	AP (Appointed EX B)
Delete	.05	Health District Deputy Director	AP (Appointed EX B)
Add	.10	Nursing Program Manager	AP (Appointed PM 1)
Delete	.10	Nursing Program Manager	AP (Appointed PM 81)
Add	.25	Licensed Vocational Nurse	GS 19
Add	.75	Licensed Vocational Nurse	GS 19
Delete	.25	Medical Aide	GS 13
Delete	.75	Medical Aide	GS 13
Add	1	Fiscal Coordinator	PM 74
Add	1	Fiscal Coordinator	PM 74
Delete	1	CPA/Breast Feeding Coordinator	PM 72
Add	1	Breast Feeding Coordinator	PM 74
Add	1	Health Training & Promotion Manager	EX H
Add	1	Customer Relations & Billing Supervisor	GS 20
Add	1	WIC Program Manager	EX H
Delete	1	WIC Division Chief	EX E

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 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for Street Department:

Delete	1	Transit Coin Sorter Operator	GS 12
Add	1	Cashier II	GS 16

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 *Motion made, seconded and unanimously carried to approve the request from Manuel Morales, of the Solid Waste Management Department for Special Sick Leave.

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 *Motion made, seconded and unanimously carried to approve the request from Jorge A. Fonseca, of the Solid Waste Management Department for Special Sick Leave.

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 *Motion made, seconded and unanimously carried to appoint Bernardo Moreno, Jr. as Public Member to the Plumbing & HVAC Board of Appeals as requested by Representative Hernandez.

*Motion made, seconded and carried that J. PERRY PIÑON be appointed Assistant City Attorney, effective February 12, 2001 at a salary of \$63,000 per annum.

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*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to issue Purchase Order(s) to Tom Growney Equipment, as they are the sole authorized John Deere Construction, Equipment Dealership in the El Paso, Texas area, provider of John Deere Genuine Parts, Product Support Service and Maintenance as well as John Deere Warranty Support for all products in John Deere's Construction Product Line. (2001-118)

Department: Equipment Maintenance
Funds available: 370510-203121-203125
Funding source: Equipment Maintenance Internal Service Fund
Total amount: \$50,000 Estimated

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*Motion made, seconded and unanimously carried to award Bid No. 2001-012 Automotive Parts Price List- Alternators & Starters

Award To: Vendor: (1) Main Auto Parts
El Paso, Texas
Item: PART A: All
Amount: \$25,000.00 (estimated yearly)

Award To: Vendor: (2) Wolff's Generators
El Paso, Texas
Item: PART B: All
Amount: \$18,000.00 (estimated yearly)

Department: Equipment Maintenance
Funds available: 370510-203125 and 370510-203125
Funding source: Equipment Maintenance Internal Service Fund
Total amount: \$43,000.00

Purchasing and Equipment Maintenance Departments recommend awards as indicated, to the lowest responsive [by definition, meeting specifications] offers, from responsible offerors.

Vendor #1 offers the City a prompt payment discount of 2% 20 days. Award amount with discount: \$24,500.00.

Vendor #2 offers the City a prompt payment discount of 3% 10 days. Award amount with discount: \$17,460.00.

This a Requirements Type Contract with an initial term of TWENTY-FOUR (24) months.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-054 - Janitorial Services for the Mission Valley and Northeast Police Regional Command Centers/Municipal Courts

Award to: Spic & Span Cleaning
El Paso, Texas
Items: 1 and 2
Amount: \$66,294.12 Annually

Department: Public Works - Maintenance Division
Funds Available: 010325-202206
Funding Source: General Fund
Award: \$66,294.12 Annually

The Purchasing and Public Works Departments recommend award as indicated. Spic & Span is the lowest, responsive and responsible bidder. Spic & Span has other City contracts and is performing satisfactorily.

This is a thirty-six (36) month contract with no options to renew the contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-069 - Professional Exterior Window Washing Services

Award to: Office Janitorial Services
El Paso, Texas
Items: 1 to 11
Amount: \$5,808.75 Estimated Annually

Department: Public Works - Maintenance Division
Funds Available: 010325/010326/010327-202226
Funding Source: General Fund
Award: \$5,808.75 Estimated Annually

The Purchasing and Public Works Departments recommend award as indicated. Office Janitorial Services is the lowest, responsive and responsible bidder. The other bidder, City-Wide Building Services, Inc. from Dallas, Texas was not considered as they did not acknowledge the amendments which affected the pricing.

This is a thirty-six (36) month contract with no options to renew the contract.

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*Motion made, seconded and unanimously carried to award Bid No. 2001-091 - Grounds Maintenance - City Facilities-2

Award to: Ledesma's Tree and Garden Service
El Paso, Texas
Items: 1 to 15
Amount: \$18,660.00 Annually
(\$18,193.50 after discount of \$466.50 per year)

Department: Public Works - Maintenance Division
Funds Available: 010325/010326-202221
Funding Source: General Fund
Award: \$18,660.00 Annually

The Purchasing and Public Works Departments recommend award as indicated. Ledesma's Tree and Garden Service is the lowest, responsive and responsible bidder. Ledesma's Tree and Garden Service has other City contracts and is performing satisfactorily.

This is a thirty-six (36) month contract with no options to renew the contract.

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*Motion made, seconded and unanimously carried to approve budget transfer BT201-236 AIRPORT

Transfer to cover projected use of natural gas on recent series of increase in cost.

Increase	\$5,000	to	620001/204102	Natural Gas
Increase	\$5,000	to	620001/107001	Intrafund Trsf In
Increase	\$175,000	to	620005/204102	Natural Gas
Increase	\$175,000	to	620005/107001	Intrafund Trsf In
Increase	\$7,000	to	620008/204102	Natural Gas
Increase	\$7,000	to	620008/107001	Intrafund Trsf In
Increase	\$6,500	to	620010/204102	Natural Gas
Increase	\$6,500	to	620010/107001	Intrafund Trsf In
Increase	\$193,500	to	620018/500002/207001	Intrafund Trsf Out
Increase	\$193,500	to	620018/500002/107002	Estimated Revenue

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*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

Electrical permit #00-33149 refund to Lone Star Electric in the amount of \$565.00.

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*Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

Zoning Board of Adjustments application refund to Riata Manufacturing, Inc. in the amount of \$440.00

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Motion made by Representative Ortega, seconded by Representative Cook and unanimously carried to postpone three weeks an Ordinance changing the zoning of a portion of Section 44, Block 79, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas (11900 Block of Rufus Brijalba Drive) from Q (Quarry) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Carefree Land Company / Representative: Atcor Engineering & Surveying, 2112 Trawood, Suite B-1, 79935. ZC-00062

THIS IS AN APPEAL ZONING CASE

Rep. Presi Ortega, Jr. stated that he and Rep. Paul J. Escobar have been working with developers on this and he feels that the request to postpone this until July is just a ploy to wait for a change of administration. He asked to postpone it for three (3) weeks. Rep. Escobar said he also worked with the applicant and feels that something could be worked out.

Ms. Pat Aauto, Interim Director of Planning, added that the developers had been contacted to be here but were not present.

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*Motion made, seconded and unanimously carried to postpone two weeks an Ordinance changing the zoning of all of Lot 292, Block 18, Coronado Hills Section Two, City of El Paso, El Paso County, Texas (6100 Fiesta Drive) from R-3 (Residential) to S-D (Special Development), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the City of El Paso Municipal Code. Applicant / Representative: Nydia Martin, 4012 Esperanza Circle, El Paso, Texas 79922. ZC-00072

THIS IS AN APPEAL ZONING CASE

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*Motion made, seconded and unanimously carried to postpone three weeks an Ordinance changing the zoning of a portion of Tract 8-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas (6135 Westside Drive) from R-F (Ranch-Farm) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Virginia R. Rocha / Representative: Robert Roque, 6135 Westside Dr., 79932; ZC-00047 **THIS IS AN APPEAL ZONING CASE**

RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-00023, FOR THE WESTERLY PORTION OF LOT 510, SUNRISE ACRES NUMBER ONE, EL PASO, EL PASO COUNTY, TEXAS (9060 NEPTUNE STREET), PURSUANT TO SECTION 20.04.140 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, **Bennie D. Cooley and Nell G. Cooley** (the "Applicants") have applied for approval of a detailed site development plan pursuant to Section 20.04.140 (Zoning) of the El Paso Municipal Code, to permit the construction and development of a self-service carwash;

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150 of the El Paso Municipal Code, the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a self-service carwash on the following described property which is located in a C-1/sc (Commercial/special conditions) District:

The westerly portion of Lot 510, SUNRISE ACRES NUMBER ONE, El Paso, El Paso County, Texas, as more particularly described in the attached and incorporated Exhibit "A", and municipally known and numbered as 9060 Neptune Street.

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference. (Exhibits on file with this Resolution in the City Clerk's Office.)

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/sc (Commercial/special conditions) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/sc (Commercial/special conditions) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Ms. Pat Adatao, Interim Planning Director, explained there was no opposition.

Representative Rodriguez stated that there were concerns with the residents that a truck stop could open up in that area.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to approve the above Resolution.

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014332, WHICH GRANTED A SPECIAL PERMIT TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACTS 6, 7, 16, 17, 24 AND 25, O. A. DANIELSON SURVEY NUMBER 310, EL PASO, EL PASO COUNTY, TEXAS, BY DELETING TRACTS 24 AND 25 FROM THE BOUNDARIES OF THE APPROVED SPECIAL PERMIT AND BY GRANTING SPECIAL PERMIT NO. SU-00023 TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON ALL OF TRACTS 23, 24, 25, 26 AND 27, O. A. DANIELSON SURVEY NUMBER 310, EL PASO, EL PASO COUNTY, TEXAS (NEAR GEORGE DIETER DRIVE AND GUERNSEY ROAD) PURSUANT TO SECTION 20.12.040A (ZONING) OF THE EL PASO MUNICIPAL CODE.**

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

***Motion made, seconded and unanimously carried to postpone one week an Ordinance changing the zoning of the west 120 feet of Lot 1 and the south 47.35 feet of Lot 2, Block 34, Colonia Verde Unit Five, City of El Paso, El Paso County, Texas (10003 Rushing Road) from C-4 (Commercial) to C-3 (Commercial), and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Manuel A. Portillo, Jr. / Representative: Luis & Rene De la Cruz, 9013 Lait Dr., El Paso, TX (25). ZC-00076**

*Motion made, seconded and unanimously carried to postpone one week the Resolution that the Mayor be authorized to sign a Release of Contract between Bruce Vancleave and wife, June Vancleave, William J. Haraway and wife, Inez Haraway, Philip Barrett and wife, Marjorie Barrett, and Fox & Elliot, Inc., a corporation, First Parties, and the City of El Paso, Section Party, amending the contract dated February 23, 1972, to release all restrictions recited therein, on the property described as the west 120 feet of Lot 1 and the 47.35 feet of Lot 2, Colonia Verde Unit Five, El Paso, El Paso, County, State of Texas. Reference: ZC-00076

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on December 5th, 2000 and February 6th, 2001, regarding the property located at 8624 Gateway South Blvd., Rear AKA 8600 Neptune Street, more particularly described as:

Lot: The Southerly 50 feet of the North 100 feet of Tract 181, the South 97.15 feet of the West 175 feet of Tract 181, the North 20.85 feet of the South 118 feet of Tract 181, Sunrise Acres, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 16, Page 19, Plat Records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can not be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to demolish the Building, and clean the premises of all weeds, trash and debris, within 30 days of adoption of the Resolution dated December 5th, 2000, that is on or before January 3rd, 2001.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on February 6th, 2001, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Javier Neira, 10837 Brownfield Dr., El Paso, Texas 79935, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the Building, and clean the premises of all weeds, trash and debris within 30 days of the City Council Resolution of December 5th, 2000 that is, on or before January 3rd, 2001; and
 - c. That the Owner has failed to comply with the Order each day from January 3rd, 2001 through February 5th, 2001, a total of 32 days; and
 - d. That the property which is subject to the Order is not the Owner's homestead; and
 - e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of 32,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$100 a day for each of the 32 days during which the City Council Order of December 5th, 2000 was not complied with; for a total of \$3,200.
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and

3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to demolish the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Representative Rodriguez stated that at the last meeting the owner advised her that it was a building where only gangs go in and paint graffiti because it had partial walls up. She explained the owner was going to demolish the property to build a new house later on.

Motion made by Representative Rodriguez, seconded by Representative Medina and unanimously carried to accept the department's recommendations to approve the above Resolution..

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ORDER

WHEREAS, after providing due notice to the Owner of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on December 5th, 2000 and February 6th, 2001, regarding the property located at 3505 Wyoming Avenue, more particularly described as:

Lots: 3 and 4, Block 74, Supplemental Map 1 of East El Paso, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1, Page 51, plat records of the City of El Paso, El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation and use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owner of said property to secure the Building and clean the premises of all weeds, trash and debris, within 30 days of adoption of the Resolution dated December 5th, 2000, that is on or before January 3rd, 2001.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on February 6th, 2001, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Martin Sweed, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to their property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, and clean the premises of all weeds, trash and debris within 30 days of the resolution of December 5th, 2000 that is, on or before February 6th, 2001; and
 - c. That the Owner has failed to comply with the Order each day from January 3rd, 2001 through February 6th, 2001, a total of 32 days; and

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- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owner in an amount not to exceed \$1,000.00 a day for each violation, a total of \$32,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$50 a day for each of the 32 days during which the City Council Order of December 5th, 2000 was not complied with; for a total of \$1,600; and
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to secure the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Representative Hernandez asked if the owner was owing \$35,198.36 in back taxes.

Ms. Carmen Perez, attorney with Delgado Acosta Spencer Linebarger Heard & Perez LLP, stated the taxes are delinquent and the firm has taken a judgment. The owner, Mr. Martin Sweed, has filed an appeal and is representing himself pro se. The case is currently at the appellate level now. Ms. Perez explained Mr. Sweed's parents owned the house and subsequently passed away. Since there was no probate and there are many heirs involved in the suit, the case was very lengthy. As soon as the judgment is finalized the property will probably be sold.

Mr. Thomas Maguire, Building Services, read from a prepared statement regarding the property.

Representative Rodriguez asked what the assessed value of the property was.

Mr. Maguire replied the assessed value is \$57,086.00.

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to accept the recommendations of the Department and to approve the above Resolution.

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Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to award Bid No. 2001-050 Landscape Rake

Awarded To:	Air Cooled Engine-Kubota Las Cruces, NM
Items:	1
Total:	\$15,210.00
Department:	Parks and Recreations
Funds available:	250101-208006-MB0001-130
Funding source:	FY2000 Certificates of Obligation
Total award:	\$15,210.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase two (2) Landscape Rakes. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

Representative Medina was not present for the vote

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Motion made by Representative Hernandez, seconded by Representative Sumrall and carried to move to the forefront the Resolution of Council to send a letter to Governor Perry asking for parity on health care issues for El Paso.

Representatives Rodriguez and Medina voted Nay. Motion passed 6-2 to move this forward.

RESOLUTION

WHEREAS, the citizens, Mayor and City Council representatives of the City of El Paso recognize an unjustified disparity in the comparatively low Medicaid and C.H.I.P. reimbursements paid to El Paso health care providers; and

WHEREAS, State Senator Elliot Shapleigh, other legislators, and concerned citizens initiated a study of the problem through the Border Rate Workgroup; and

WHEREAS, El Paso health care providers with comparable education, training and expertise receive 35% percent less Medicaid reimbursement per patient than Houston health care providers; 25% percent less than Ft. Worth health care providers; and 13% percent less than San Antonio health care providers; and

WHEREAS, El Paso health care providers with comparable education, training and expertise receive 25% percent less C.H.I.P. reimbursement per patient than Houston health care providers; 14% percent less than Dallas health care providers; and 10% percent less than Corpus Christi health care providers; and

WHEREAS, the El Paso community suffers a severe shortage of physicians; the national average is 102 physician per 100,000 people; the El Paso average is 40 physicians per 100,000 people; and the state-wide average is 1 physician per 600 people and El Paso's average is 1 physician per 1,200 people; and

WHEREAS, the comparatively low Medicaid and C.H.I.P. reimbursement rate afforded El Paso health care providers is a powerful disincentive for health care providers to locate or continue their practices in the El Paso area; and

WHEREAS, the resulting effect of this situation is decreased community access to vital health care services;

WHEREAS, the City is interested in promoting the health, safety and welfare of its citizens; and

WHEREAS, the Mayor and City Council of the City of El Paso find that the inequitable disparity of Medicaid and C.H.I.P. payments to El Paso health care providers is unjustified and detrimental to the citizens of El Paso; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council send a letter to Governor Rick Perry supporting the findings of the Border Rate Workgroup and urge that the State of Texas take whatever steps necessary to ensure that

Medicaid and C.H.I.P. reimbursements paid to El Paso health care providers are immediately brought into parity with reimbursements paid to health care providers in other major Texas cities.

Representative Hernandez began with a brief explanation followed by the introduction of Dr. Jose Luna-Vasquez as a representative of the health community.

Dr. Luna-Vasquez began with reading a quote from Judge William Wayne, Justice for the Federal Court of the United States of America.

He then stated that a health provider from El Paso with the same education, same expertise, the same cost and expenses will get 35% less than a provider in Houston, 25% less than a provider in Fort Worth and 13% less than a provider in San Antonio for Medicaid patient. The El Paso physicians will also be getting less than the cities mentioned. He felt citizens were being punished because we are a border city.

Representative Hernandez suggested that all the City Council members sign the resolution. Mr. McNabb stated the resolution could be revised to include signature blocks for all Council members.

Representative Sumrall made a statement that it is a slap in the face for our medical professionals in this city when they are not paid as other cities.

Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to approve this Resolution.

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No action was taken on the Summary and Conclusion of Safe & Healthy Sister Cities Initiative Program El Paso/Cd. Juarez/Las Cruces. (Pan American Health Organization (PAHO))

Dr. Guillermo Mendoza, Pan American Health Organization, gave a brief explanation. He summarized stating that recent traffic accidents were due to DWI, distraction factors such as cellular phones, and lack of driving supervision of youth. He requested Council develop healthy policies and a resolution of these matters.

Representative Hernandez added that speeding in school zones might be eliminated by adding speed bumps in front of schools. She added she is happy that Juarez is doing away with use of cell phones while driving.

Mr. Charlie McNabb, City Attorney, was asked what could be done and he replied that it was not posted as asking for action from council. It would have to come back for action next week.

Dr. Maria Teresa Zorrilla from Juarez was introduced as well as Margaret Bartoleti who is manager of the Rio Grande Safety Committee.

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RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE RIO GRANDE PROJECT IMPLEMENTING THIRD-PARTY CONTRACT AMONG THE UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION, THE EL PASO WATER IMPROVEMENT DISTRICT #1 (DISTRICT), AND THE CITY OF EL PASO JOINED BY ITS PUBLIC SERVICE BOARD (PSB) FOR CONVERSION OF RIO GRANDE PROJECT WATER TO MINICIPAL USE; DELIVERY OF DISTRICT WATER TO THE PSB JONATHAN ROGERS WATER TREATMENT PLANT; AND DELIVERY BY THE PSB OF USABLE EFFLUENT TO THE DISTRICT.

WHEREAS, the PSB held a special meeting February 1, 2001 approving the Rio Grande Project Implementing Third-Party Contract and adopting a resolution requesting the City of El Paso to sign said contract; and,

WHEREAS, the City Council finds it to be in the public interest for the City of El Paso to enter into the Rio Grande Project Implementing Third-Party Contract, NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign on behalf of the City of El Paso, the Rio Grande Project Implementing Third-Party Contract among the United States of America Department of the Interior Bureau of Reclamation, the El Paso Water Improvement District #1 (District) and the City of El Paso joined by it Public Service Board for conversion of Rio Grande Project Water to Municipal Use and providing for delivery of District water to the Public Service Board's Jonathan Rogers Water Treatment Plant and delivery by the Public Service Board of usable effluent to the District.

Mr. Ed Archuleta, Water Utilities General Manager, opened the discussion stating this is a very important day for the citizens of El Paso. He added the contract has already been approved by the El Paso County Water Improvement District No. 1, the Public Service Board and, pending an environmental assessment, the United States Bureau of Reclamation. Mr. Archuleta explained the contract is 70 plus pages in length; therefore, he provided Council Members with an Executive Summary. He then highlighted some issues in the Executive Summary. This is a four year contract and essentially provides sufficient water to operate the expanding Jonathan Rogers Water Treatment Plant. Mr. Archuleta explained in 1990 when the Public Service Board developed and approved a 50 year plan for water, the plan had a very strong emphasis on conservation, and the City has reduced consumption by 20% over 10 years. He stated the plan had a very strong emphasis on surface water. This contract clarifies, amends and takes care of a number of contractual disputes with the 1941, 1962 and the 1992 contract. He alluded to Senate Bill 2, being introduced today by Senator Buster Brown, which will provide for funding for the various water plans across Texas, including far west Texas. He stated the Department will continue with other projects. He stated the more surface water we can use, the more we can save our ground water. He complimented the Public Service Board, the Irrigation District Board, U.S. Bureau of Reclamation staff and attorneys. Mr. Archuleta introduced Mike Spurlock, PSB General Counsel, and Alex Acosta, special outside counsel, on this particular project.

Representative Cook asked if this was a good deal for both the City and the Water District.

Mr. Archuleta replied yes it is because it provides the water that the City needs for the Jonathan Rogers expanding plant and preserves the ground water resources.

Representative Hernandez thanked Mr. Archuleta and his staff for their hard work.

Representative Ortega stated he was pleased both parties could sit down and discuss these compromises. He asked Mr. Archuleta to give a "State of the City Water" address. He encouraged Mr. Archuleta to take Council Members out and tour some of the water treatment plant facilities.

Mr. Archuleta stated he would give a "State of the Water" address sometime this Summer or early Fall.

Ms. Belen Robles, proud citizen, read from a prepared statement regarding the Resolution before Council today. She asked Council Members to postpone approving this Resolution today. (Statement on file with the resolution in the City Clerk's Office.)

Representative Sariñana explained Council is trying to move this Resolution and make sure we secure future water for our children and families.

Ms. Robles reiterated her statement to postpone because the citizens of El Paso need to have input, they need to be informed and this needs to happen before Council takes action.

Representative Sumrall stated this is a Resolution to forego the lawsuit. It will save a lot of money for the taxpayers and will insure our economic development efforts go forward.

Mr. Bill Attington, resident of Sierra Blanca, Texas, stated he has been keeping up with all the issues and agrees with Ms. Robles that this item does need more thought. He asked Council Members to allow the public to provide input. Mr. Attington explained he owns a farm in Sierra Blanca with 800 acre feet of Rio Grande river water, and unfortunately the PSB sees the river as a pipe to deliver water to the City of El Paso. Mr. Attington alluded to an article in the El Paso Times and water conservation Ordinances. He asked Council Members to address the issue of water conservation more seriously to include banning any new lawns on new construction of homes and businesses and add a 10 year phase out on existing lawns. He explained water is for people, we live in a desert, let's start conserving it and treat it like the true precious resource that it is.

Representative Cook responded to statements made by Mr. Attington.

Mr. Archuleta addressed concerns raised by Mr. Attington.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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No action was taken regarding the petition for iron stand for statue of Francisco J. Delgado on Francisco J. Delgado Park on Imperial Ridge.

Representative Sumrall stated she will be referring this to the Parks Board.

Ms. Margaret Delgado, wife of Arturo Delgado, clarified the park naming confusion.

Mr. Arturo Delgado, brother of Francisco J. Delgado, explained to Council Members his efforts to provide the iron stand for the statute of his late brother. Mr. Delgado stated he would ask the Army or the Air Force to pay for the costs of the statute.

Representative Rodriguez made statements regarding procedures for statues, naming of parks and buildings and presentation of plaques.

Mr. Charles Nutter, Director of Parks & Recreation, explained Council Members adopted park naming procedures about three months ago. He explained there is an ancillary policy regarding memorial statues and plaques on the Parks Board agenda tonight. He stated the proper place to begin this discussion would be before the Parks & Recreation Advisory Board in March. He will notify Mr. and Mrs. Delgado when the Parks Board meeting will be in March.

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Motion made Representative Hernandez, seconded by Representative Sariñana and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance repealing Ordinance Number 014341, which granted a Special Privilege to Western Mesa Hills, LTD. to permit the private use of a portion of public drainage right-of-way within Block 2, Lots 1 and 2, of Mesa Hills West Subdivision for access, landscaping and utility installation.

- B. An Ordinance providing for the 2001 General Election in the City of El Paso, calling for an election of officers.
- C. An Ordinance revising the Fee Schedule for the Fire Department Medical Services System of the City of El Paso and repealing any previous fee structures.
- D. An Ordinance granting a renewal of the Franchise for Sunwest Ambulance, Inc., to operate a Non-Emergency Ambulance Transfer Service.
- E. An Ordinance granting Special Permit No. SU-99015 to satisfy parking requirements for Parcel I, described as all of Tracts 1 and 2, and a portion of Tract 3, Silverwood Subdivision, El Paso, El Paso County, Texas (5005 Love Road), and on Parcel II, described as Lot 1, Block 1, Rosemont Amending Subdivision, El Paso, El Paso County, Texas (4965 Love Road) pursuant to Section 20.12.040R and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Zone R-1 (Residential); Applicant: St. Mark's United Methodist Church / Representative: Faught & Associates, 433 Executive Center Blvd., El Paso, TX 79902.
- F. An Ordinance granting Special Permit No. SU-00022, to allow for a church on a site of less than three acres on portions of Lots 1 to 3, and all of Lots 6 to 20, Block 267, Campbell Addition, El Paso, El Paso County, Texas; and to satisfy parking requirements for Parcel I, described as all of Lots 6 to 10, Block 267, Campbell Addition (915 N. Florence Street), by allowing off-street parking on Parcel II, described as portions of Lots 1 to 3, Block 267, Campbell Addition, and on Parcel III, described as all of Lots 11 to 20, Block 267, Campbell Addition (900 Block of N. Campbell Street), pursuant to Sections 20.22.040.G, 20.22.040.O, 20.42.040.A, and 20.42.040.L (Zoning) of the El Paso Municipal Code. Zone A-2 (Apartment) and C-4 (Commercial); Applicant: Watchtower of the Rio Grande, Inc. . Representative: Southwest Commercial Real Estate Group, L.L.C., 1155 Westmoreland, Suite 229, El Paso, TX 79925.
- G. An Ordinance changing the zoning of a portion of Tract 1-B-2 and all of Tract 1-I, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Upper Valley Road at Artcraft Road) as follows: Parcel 1, from R-F (Ranch-Farm) to R-3A (Residential); Parcel 2, from R-f (Ranch-Farm) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: DORO Developers I, Ltd. / Representative: Moreno Cardenas Inc., 2505 E. Missouri Ave., El Paso, TX (03). ZC-00079.
- H. An Ordinance changing the zoning of all of Tracts 17-C-8, 17-C-11 and 17-C-35, Section 8, Block 79, Township 3, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas (St. Vitus Place at St. Jude Avenue) from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Saratoga Homes, LTD. / Representative: Atcon Engineering & Surveying, 2112 Trawood, Ste. B-1, El Paso, TX (35). ZC-00080.
- I. An Ordinance changing the zoning of a portion of H.G. Foster Survey No. 262, El Paso, El Paso County, Texas (East of High Ridge Drive) from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Colony Partners, Hunt Bldg Corp., & HGF Section 262 Growth / Representative: Roe Engineering, 601 N. Cotton St., El Paso, TX (02). ZC-00083.

ADDITION TO THE AGENDA

Motion made by Representative Sumrall, seconded by Representative Cook and carried to move to the forefront the Resolution that the El Paso City Council hereby authorizes the Mayor to take the necessary steps to change the name of a portion of Artcraft Road to Ord Gary Highway, beginning at its intersection with Doniphan Drive to the Texas/New Mexico State Line (to connect with Domenici Highway located in the State of New Mexico). This is located within the City of El Paso, El Paso County, Texas.

Representative Medina voted Nay.

Motion was made by Representative Hernandez, seconded by Representative Ortega to approve the above Resolution.

Representative Sumrall, Representative Rodriguez, Representative Cook, and Representative Sariñana voted Nay. Representative Ortega, Representative Escobar and Representative Hernandez voted Aye. Representative Medina abstained from voting. Motion did not pass 4-3.

Representative Sumrall said that she was visited by Mr. Daniel O'Leary who is a developer. She explained Mr. O' Leary is against the name change because he spent a great deal of money on legal fees to track down all family members to purchase the land from the Ramsey's and does not want to spend more on legal fees or expenses related to this name change.

Therefore, Representative Sumrall requested this item be postponed for a week to meet with Mr. O' Leary to try alleviate some of his concerns because she was not sure exactly what portion of his property is where the road runs through.

Mr. Gonzalo Garcia stated he was aware of Mr. O' Leary's concerns but felt they have been working on this for a year and that the enormous deeds that were done by Mr. Gary overshadows whatever oppositions there might be. The road goes from one side of the property where there is no frontage that could be developed towards the road that they are requesting the name change. He explained the family would like an answer today because the issue has gone way past normal procedures.

Representative Sumrall explained to Mr. Garcia that her concerns were with everyone involved; but as she stated in a previous conversation, she would consider naming a 100 acre park after Mr. Ord Gary.

Mr. Garcia introduced Ms. Wilma Gary-Hayes, daughter of Mr. Gary, who described where the land was located.

Representative Sumrall said she was not sure what Mr. O' Leary's plans were for this land; but if he were doing residential development, it could play havoc with the title for the land and cause additional expenses.

Representative Hernandez explained that Ms. Hayes was only asking for the portion of the road from Doniphan to the New Mexico state line, this is the part that she wants to be named after her father.

Ms. Patsy Ramsey, property owner, stated she had no idea why there would be any objections from Mr. O'Leary.

Representative Cook agreed with Representative Sumrall to name a park after Mr. Gary because it would be confusing to the public to constantly change names.

Mayor Pro Tem Ortega asked the City Attorney what basis Mr. O' Leary has or is there basis to worry about fees on changing of a street name.

Mr. McNabb replied he does not know what legal fees he would have over this.

Representative Hernandez asked if there was any development yet and was advised no.

Representative Medina stated that last week he proposed a compromise that would totally eliminate the confusion of individuals traveling through the same road and for the name to change in the middle of the road. He proposed changing to name to Artcraft/Ord Gary Highway.

Representative Sumrall agreed with Representative Medina; but 20 years from now, they might want to add another name to the list. She would like to name a park after Mr. Gary and not cause any problems to the person(s) who bought the property.

Mr. Rudy Valdez, Planning Department, stated that the Resolution has been amended to indicate that portion of Artcraft road between Doniphan and the New Mexico/Texas state line.

Mayor Pro Tem Ortega asked Mr. Valdez if they changed the name to Artcraft/Ord Gary, would the City then worry about changing the street signs.

Mr. Rudy Valdez replied yes that the City would have to make the changes and there would be two to three signs that would need to be changed.

Mayor Pro Tem Ortega asked Council what would they like to do with this.

Representative Hernandez moved to approve but was interrupted by Ms. Cindy Rash.

Ms. Cindy Rash, granddaughter of Mr. Woelfel, stated that she would not mind the street being named after her grandfather and Mr. Ord Gary, but she wonders if there are others who were not notified and will there be more opposition. She agrees with the suggestion to name the park after Mr. Ord Gary and to leave Artcraft as is.

Representative Medina stated that he is abstaining from voting on this matter because the two families cannot come to an agreement on honoring both men. He believes it should be named Artcraft/Ord Gary.

Motion made by Representative Sariñana, seconded by Representative Rodriguez to postpone one week the Resolution that the El Paso City Council hereby authorizes the Mayor to take the necessary steps to change the name of a portion of Artcraft Road to Ord Gary Highway, beginning at its intersection with Doniphan Drive to the Texas/New Mexico State Line (to connect with Domenici Highway located in the State of New Mexico). This is located within the City of El Paso, El Paso County, Texas.

Representative Cook voted Nay.

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Motion made by Representative Sariñana, seconded by Representative Hernandez and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Alicia Meraz, et al; 99-C-291A (551.071)
- B. Robert Acosta and Moises Garcia, 00-C-181 (551.071)
- C. U.S. Army, 01-COL-001 (551.071)

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
 Motion made Representative Medina, seconded by Representative Cook and carried that the claim entitled **ALICIA MERAZ, Individually and on behalf of Raymond Villalobos, Melissa Magallanes and Freddy Magallanes**; Our File No. 99-C-291A be **DENIED** as recommended by the City Attorney.

.....
 Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **ROBERT ACOSTA AND MOISES GARCIA**; Our File No. 00-C-181 be **DENIED** as recommended by the City Attorney.

.....
 Motion made by Representative Medina, seconded by Representative Cook and carried that the claim be **SETTLED** as recommended by the City Attorney and that the Mayor be Authorized to sign the Release in the claim entitled **U. S. ARMY**; Our File No. **01-COL-001**.

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 Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 11:24 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Charles McNabb, City Attorney

